Remarks

<u>Claim Status</u>:

Claims 1-23 remain pending in the application. Claims 3, 4 and 15 are amended without prejudice, and not in response to the art or to the outstanding non-statutory subject matter rejection. The word "and" is change to --or-- in each of these claims as shown.

<u>Non-Statutory Subject Matter Rejection</u>:

Claims 1-23 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

We respectfully traverse these rejections.

Claims 1-6

We respectfully submit that claim 1 recites a useful, concrete and tangible result, which is specified in the claim.

For example, claim 1 recites: *aggregating* first fingerprint data and second fingerprint data, wherein fingerprint data comprises at least a reduced-bit representation of content, and wherein the first fingerprint data originated at a first source and the second fingerprint data originated at second source, and wherein the first source and the second source are remotely located; *identifying information associated with the first fingerprint data and the second fingerprint data*; and *determining a subset of the associated information*.

At least the acts of aggregating, identifying and determining have useful, concrete and tangible results.

This combination also possesses a certain level of "real world" value (see MPEP 2106 II. A). For example, aggregating first fingerprint data and second fingerprint data allows a subset of associated information to be determined.

These claims stand ready for allowance.

Claims 7-8

Claim 7 recites a method to match a song based on an audio fingerprint. The method recites: aggregating a first set of audio fingerprints provided by a first device with a second set of audio fingerprints provided by a remotely located second device; *determining* a plurality of songs relating to the aggregated fingerprints; and *selecting* a song from the plurality of songs based on a number of times a selected song matches the aggregated fingerprints.

At least the acts of determining and selecting provide useful, concrete and tangible results, e.g., selecting a song.

This combination also possesses a certain level of "real world" value (see MPEP 2106 II. A). For example, the combination ultimately allows for the selection of a song from a plurality of songs based on a number of times a selected song matches the aggregated fingerprints. This has real world value for application associated with, e.g., monitoring, device or copy control, e-commerce, and other applications.

These claims stand ready for allowance.

Claims 9-15 and 19

Claim 9 recites a method including: receiving a signal from a first broadcast source at a reference receiver; generating first fingerprint data from the received signal; applying the first fingerprint data to a database to select associated information; receiving second fingerprint data; and comparing the second fingerprint data with the associated information. In some situations, this will allow for, e.g., a selection of a subset from the associated information based on a vote tally (claim 10) or - when a comparison of the second fingerprint data with the associated information does not identify a subset of the associated data - querying a second database to determine additional associated information (claim 19). Certainly, these are useful, concrete and tangible results.

These claim also exhibit "real world" value (see MPEP 2106 II. A) and stand ready for allowance.

Claim 11 recites – in combination with other features – *selecting* a subset from associated information based on a vote tally. The vote tally includes probabilities of a

match with the second fingerprint data, and the selected subset has a highest probability of a match.

At least the act of selecting provides a useful, concrete and tangible result. This combination also has real world value for applications associated with, e.g., monitoring, device or copy control, e-commerce, as well as other applications.

Claim 11 stands ready for allowance.

Claim 12 recites – in combination with other features - comparing second fingerprint data with associated information, wherein a user device generates the second fingerprint data. This combination has real world value in applications including, monitoring, copy or device control, e-commerce as well as other applications.

Claim 12 stands ready for allowance.

Claim 13 recites – in combination with other features – applying the first fingerprint data to a database to select associated information; receiving second fingerprint data, wherein a cell phone generates the second fingerprint data; and comparing the second fingerprint data with the associated information.

Such a combination will allow, e.g., media identification, content monitoring, device or copy control, e-commerce and other applications. Certainly, this combination enables applications exhibiting real world value.

Claim 13 should be allowed as well.

Claim 14 recites – in combination with other features - _comparing_ second fingerprint data with associated information; and determining a geographical location of the user device. At least the act of comparing provides a useful, concrete and tangible result.

Such a combination will allow, e.g., media identification, content monitoring, device or copy control, e-commerce, as well as other applications. These applications can be further tailored by knowing a geographic location of a user device. Certainly, these applications – and others – exhibit real world value.

Claim 14 stand ready for allowance.

Claims 16-18

Claim 16 recites – in combination with other features – *selecting* associated information corresponding with multiple fingerprints.

Again, at least the act of selecting provides a useful, concrete and tangible result.

This combination also has real world value, e.g., in applications associated with broadcast monitoring, e-commerce, copy and device control, and other applications.

Claim 16 stands ready for allowance.

Claims 20-21

Claim 20 recites – in combination with other features – comparing a second fingerprint data with a set of fingerprints. This adds real world value to applications, e.g., associated with monitoring, e-commerce, copy and device control, and other applications.

Claim 20 stands ready for allowance

Claim 22

Claim 22 recites a combination including an act of *selecting* a set of audio or video content from a plurality of audio or video content based on a number of times a selected set of audio and video content corresponds with cumulated sets.

Again, at least the act of selecting provides a useful, concrete and tangible result. This combination also has real world value for applications associated with, e.g., monitoring, e-commerce, copy and device control, and other applications.

Claim 22 stands ready for allowance.

Claim 23

Claims 23 recites – in combination with other features – using at least a reduced-bit representation of content to help identify or authenticate the content. Certainly, at least this act provides a useful, concrete and tangible result, e.g., identifying or authenticating content.

Claim 23 stands ready for allowance.

Conclusion

The application stands ready for allowance. Nevertheless, the Examiner is invited to contact the undersigned with any questions.

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